

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG

LOUIS EFRAIN COOPER,

Petitioner,

v.

CIVIL ACTION NO. 3:05-cv-108  
CRIMINAL ACTION NO. 3:04-CR-21  
(BAILEY)

UNITED STATES OF AMERICA,

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

By Standing Order entered on March 24, 2000, this action was referred to United States Magistrate Judge James E. Seibert for submission of proposed report and a recommendation ["R & R"]. Magistrate Judge Seibert filed his R & R on June 18, 2007 [Civ. Doc. 4]. In that filing, the magistrate judge recommended that this Court deny the petitioner's § 2255 petition [Civ. Doc. 1] and dismiss it.

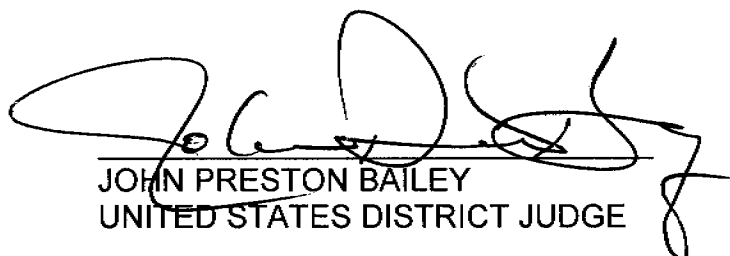
The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. ***Thomas v. Arn***, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); ***Snyder v. Ridenour***, 889 F.2d 1363, 1366 (4th Cir. 1989); ***United States v. Schronce***, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Seibert's R & R were due by July 2, 2007, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). No objections have been filed.

Accordingly, the Court hereby adopts the recommendations of Magistrate Judge

Seibert. The Court hereby **DENIES** and **DISMISSES** the petitioner's § 2255 petition [Civ. Doc. 1]. The Court hereby **ORDERS** that this matter be removed from the Court's docket.

The Clerk is directed to mail copies of this Order to all counsel of record and the *pro se* plaintiff.

**DATED:** July 6, 2007.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE